

Patent Application  
027135.0028/UTL  
(CIT008-US1; 238/186)

## REMARKS

Claims 1-25 are pending, with claims 1-7 and 20-22 being considered. Applicants appreciate the Examiner's acknowledgment in Paper 9 that claims 1, 3, and 22 are allowed. To put this case in allowable condition, herein Applicants have amended claims 4-7, canceled claim 20, and replaced claim 21 with new claim 26. They have also corrected a typographical error made on the application cover page with respect to the middle initial of inventor Eldon E. Baird, amended the descriptions of Figures 3 and 17, and included a "Sequence Listing" in compliance with 37 C.F.R. 1.821, *et seq*, including corresponding amendments to the specification to reference sequence listing numbers. A set of substitute Figures 5-10, 13, and 16-18 including SEQ ID Nos. also accompanies this amendment. Formal drawings will be submitted upon the allowance of the application.

With regard to the claims, claims 4-7 have been amended to delete the phrase "--NH-CH<sub>2</sub>-CH<sub>2</sub>-CH<sub>2</sub>-CONH- hairpin linkage derived from  $\gamma$ -aminobutyric acid or", as suggested in Paper 9. These claims have also been amended to reflect that, depending on how many Hp/Py or Py/Hp binding pairs are present, the other binding pair(s) is(are) selected from the group consisting of Py/Im, Im/Py, or Py/Py. Also, the word "and" has been added at the end of the first "wherein" clause in each of these four claims, and in claims 6 and 7, "and" has been added after the penultimate group in the string of carboxamide binding pairs. Claim 4 also contains a typographical correction with regard to binding pairs -- "X<sub>1</sub>/X<sub>2</sub>, X<sub>3</sub>/X<sub>4</sub>, and X<sub>5</sub>/X<sub>6</sub>" now reads "X<sub>1</sub>/X<sub>6</sub>, X<sub>2</sub>/X<sub>5</sub>, and X<sub>3</sub>/X<sub>4</sub>" to reflect correct pairing. In claim 7, "three or four" has been changed to "six" to correctly reflect the total number of binding pairs listed. Claim 21 has been replaced with new claim 26, the differences being that the first member of the Markush group has been deleted, the brackets surrounding several compound formulas have been replaced with parentheses, the extra comma following the "and" has been canceled, and at the end of the claim "the" has been changed to "a" and "salt" is now singular, thus corresponding with "polyamide" in the claim's preamble.

None of the foregoing amendments to the claims or specification adds new matter. In any event, Applicants expressly reserve the right to pursue subject matter no longer or not yet claimed in this case in one or more applications claiming priority to this application.

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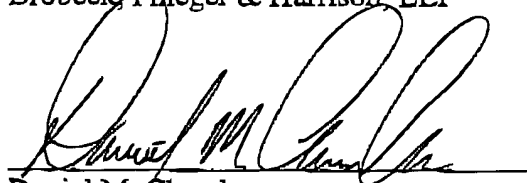
Applicants respectfully request reconsideration of the application in view of these amendments, as they obviate the various bases of objection raised in Paper 9. As for the objection to claim 2, Applicants respectfully submit that claim 2 adds a limitation not recited in claim 1. Specifically, in a hairpin polyamide, it is the 4-amino group that is necessarily in the acid amide form. The R-2 group is not necessarily in that form. *See, e.g.*, Figure 3, which shows three polyamides in which the 2-amino group is not amidated (A, B, and C) and two polyamides containing an amidated 2-amino group (C and E). Because claim 2 does, in fact, further limit the invention of claim 1, this objection should be withdrawn.

Applicants respectfully submit that the application is now in condition for allowance. An early notice to that effect is earnestly solicited. Should any matters remain outstanding, the Examiner is encouraged to telephone Applicants' undersigned attorney at (858) 720-2500 so that the same may be resolved without the need for an additional Office Action and response thereto.

No fee is believed due for the submission of this amendment and response; however, if any fees are due in connection with this response, please charge our Deposit Account No. 501273 for the appropriate amount.

Respectfully submitted,

Brobeck, Phleger & Harrison, LLP



Daniel M. Chambers  
Reg. No. 34,561

Dated: September 19, 2000

Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

Applicant(s) Peter B. Dervan, et al.

Serial No.: 09/374,702

Filed: August 12, 1999

For: **STEREOCHEMICAL CONTROL OF  
THE DNA BINDING AFFINITY,  
SEQUENCE SPECIFICITY, AND  
ORIENTATION-PREFERENCE OF  
CHIRAL HAIRPIN POLYAMIDES IN  
THE MINOR GROOVE**

Attorney(s): Daniel M. Chambers

Docket No.: 027135.0028.CIP (238/186)

Date of Deposit: August 30, 2000

Enclosure(s): Submission of Sequence Listing; Paper copy of  
Sequence Listing; Sequence on disk in ASCII text  
format; Statement under 37 C.F.R. 1.821(f) and a  
copy of the Office Action Summary.

Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

Applicant(s): Peter B. Dervan et al. Client: GeneSoft Pharmaceuticals

Serial No.: 09/374,702 Filed: August 12, 1999

Attorney: Daniel M. Chambers

**STEREOCHEMICAL CONTROL OF THE DNA BINDING AFFINITY,  
SEQUENCE SPECIFICITY, AND ORIENTATION-PREFERENCE OF  
CHIRAL HAIRPIN POLYAMIDES IN THE MINOR GROOVE**

Docket No.: 027135.0028/UTL (238/186) CIT008-US1

Date of Deposit: September 19, 2000

Enclosure(s): Transmittal Letter, Petition for a one-month extension, Check for  
\$55.00, Amendment and Response, Sequence Listing (electronic and  
paper copies), Rule 821(f) statement and Return Postcard.